



September 21, 2012

## Preserving the Integrity of the Electoral Process

“The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters.”

-- [\*Carter-Baker Report on Federal Election Reform\*](#)

The right to vote encompasses two critical considerations: (1) that voters have access to the ballot; and (2) that lawful votes are not diluted by those cast fraudulently. These are not competing considerations. By preventing or detecting fraud with a photo identification voting requirement, states are better able to ensure honest and fair elections. It is no wonder, then, that almost [three-quarters of Americans are in favor](#) of requiring a photo-ID at the poll.

### Democrat Claims

Democrats have criticized state voter identification laws as being designed to [suppress](#) and disenfranchise certain portions of the electorate. These suggestions, however, ignore the fact that the Obama Department of Justice (DOJ) has [approved](#) some of the very [laws](#) Democrats have raised concerns over.

- Virginia: DOJ approved on August 20, 2012, a requirement for identification to vote.
- New Hampshire: DOJ approved on September 4, 2012, a requirement for a government-issued photo ID to vote.

The claims of the laws' critics do not withstand even casual scrutiny. They discount clear Supreme Court precedent permitting state laws to prevent vote fraud. They disregard the existence of vote fraud. And they ignore that citizens must show identification in order to participate in many day-to-day activities, including those that are constitutionally protected.

### Supreme Court Acknowledges States' Interest in Voter ID Laws

In [Crawford v. Marion County Election Board](#), the Supreme upheld the constitutionality of a 2005 Indiana law requiring that voters present government-issued photo ID in order to cast a ballot. The court, in an opinion authored by Justice John Paul Stevens, upheld the safeguards imposed by Indiana as “unquestionably relevant to the State’s interest in protecting the integrity and reliability of the electoral process.”

## The Risk of Voter Fraud Is Real

Opponents of voter ID laws assert that the existence of voter fraud and illegal voting is [unproven](#). This ignores substantial evidence to the contrary.

- Two recent cases in the Seventh Circuit Court of Appeals demonstrate that [noncitizens](#) do, in fact, vote [illegally](#) in federal elections.
- In the *Crawford* case, Justice Stevens noted that “occasional examples have surfaced in recent years ... [that] demonstrate that not only is the risk of voter fraud real but that it could affect the outcome of a close election.”
- The bipartisan Carter-Baker Commission also determined that “there is no doubt that [voter fraud] occurs.” It further observed, “The perception of possible fraud contributes to low confidence in the system.”

## IDs Are Part of Everyday Life

Americans are required to confirm their identity by showing photo identification in everyday life.

- Americans have a constitutional [right to travel](#), but are required to show ID in order to [fly](#), ride [Amtrak](#), or check into most hotels.
- Federal law requires employer to [obtain proof](#) of identification in order to hire someone.
- Americans have a right to petition their government, but access to federal buildings [can be restricted](#) to people [who are able to show identification](#).
- Even engaging in the political process -- as demonstrated at the Democratic National Convention in Charlotte, N.C. -- can depend upon [showing identification](#).

The issues surrounding voter ID laws will continue in the coming months, as courts are assessing the various laws.

- In Wisconsin, lower court rulings blocking the state’s voter ID laws have been appealed on an emergency basis to the state’s Court of Appeals.
- In Pennsylvania, where a new voting law was adopted, the state’s Supreme Court this week sent the law back to a lower court to rule on the accessibility of ID cards; that decision will come on October 2.
- Ohio’s early voting laws are under appeal in the Sixth Circuit under expedited review.
- Iowa is facing a suit dealing with ineligible voters.
- South Carolina’s voter ID law, after a DOJ challenge, is in the U.S. District Court for the District of Columbia with oral arguments scheduled for September 24.

Each of these courts will reach legal conclusions assessing the varying voter ID laws based on unique factual records presented in court. Regardless of how the courts rule going forward, two things are clear from previous Supreme Court rulings: the risk of voter fraud is real, and the various attempts to prevent it are unquestionably relevant to protecting the integrity and reliability of elections.